

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 16-13315</b>
<b>Frank Pileggi</b>	:	<b>Chapter 13</b>
<b>Julie D Pileggi</b>	:	<b>Judge Jean K. FitzSimon</b>
	:	<b>*****</b>
		<b>Debtor(s)</b>
	:	
<b>USB Leasing LT</b>	:	<b>Date and Time of Hearing</b>
		<b>Movant,</b>
	:	<b>Place of Hearing</b>
<b>vs</b>	:	<b>May 27, 2020 at 9:30 a.m.</b>
	:	<hr/>
	:	
<b>Frank Pileggi</b>	:	<b>U.S. Bankruptcy Court</b>
<b>Julie D Pileggi</b>	:	<b>900 Market Street, Courtroom #3</b>
	:	<b>Philadelphia, PA, 19107</b>
<b>Scott F. Waterman (Chapter 13)</b>		
<b>Respondents.</b>		

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT USB LEASING  
LT TO REPOSSESS PROPERTY, A 2015 DODGE DURANGO BEARING THE  
VEHICLE IDENTIFICATION NUMBER ("VIN" ) 1C4RDJDG1FC953896**

USB Leasing LT (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Frank Pileggi and Julie D Pileggi (collectively, "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on May 9, 2016, ("Petition").

5. Julie Diane Pileggi is currently obligated to USB Leasing LT, under the terms of a certain Motor Vehicle Lease Agreement – Closed-End, dated February 29, 2016, in the original principal amount of \$31,133.91 executed by Julie Diane Pileggi (hereinafter "Contract") for the lease of a 2015 Dodge Durango bearing the Vehicle Identification Number ("VIN" ) 1C4RDJDG1FC953896 (hereinafter "Vehicle").

6. The Contract was assigned to the Creditor and Julie Diane Pileggi became indebted to Creditor in accordance with the terms of same. To secure payment of the Contract, Julie Diane Pileggi caused the Certificate of Title for a Vehicle to be delivered to Creditor. As a result, Creditor is the holder of a first purchase money security encumbering the Vehicle. True copies of the Contract and Certificate of Title for a Vehicle are annexed hereto as Exhibit A and B.

7. Creditor's best information is that there is no other entity claiming a lien on the Vehicle.

8. Creditor avers that there is good cause to grant relief from the automatic stay. Per the Contract, the Lease matured on August 29, 2019. Debtor has failed to make contractual payments for the last 3 months of Contract from June 2019 through August 2019. As of January 13, 2019, the contractual arrears due to Creditor are \$1,573.62, with fees of \$381.50 for a total of \$1,955.12 in default.

9. As a precautionary measure, Creditor seeks relief from the automatic stay for purposes of repossessing and selling the Vehicle.

10. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Collateral.

11. The total loan balance due to USB Leasing LT is \$21,764.38, as of January 13, 2020.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of USB Leasing LT in the Vehicle, pursuant to Section 362(d)(1).

WHEREFORE, USB Leasing LT respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of USB Leasing LT in the Vehicle of the Debtor specifically identified in the Contract, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

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Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is [kvelter@manleydeas.com](mailto:kvelter@manleydeas.com)

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 : **900 Market Street, Courtroom #3**  
**Scott F. Waterman (Chapter 13)** : **Philadelphia, PA, 19107**  
**Respondents.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit USB Leasing LT to repossess property described as a 2015 Dodge Durango bearing the Vehicle Identification Number ("VIN" ) 1C4RDJDG1FC953896 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Scott F. Waterman (Chapter 13), Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave., Suite 100, Reading, PA 19606

Brad J. Sadek, Attorney for Frank Pileggi and Julie D Pileggi, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on April 30, 2020:

Frank Pileggi and Julie D Pileggi, 1401 Bentley Drive, Warrington, PA 18976

DATE: April 30, 2020

/s/ Karina Velter

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